



**Homeland
Security**

Privacy Office, Mail Stop 0655

July 17, 2019

SENT BY ELECTRONIC MAIL TO: Andrew@ImmigrantCivilRights.com

Robert Andrew Free
Law Office of R. Andrew Free
P.O. Box 90568
Nashville, TN 37209

Re: 2019-HQFO-00352

Dear Mr. Free:

This is the electronic final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated January 30, 2019, and received by this office on January 31, 2019. You are seeking all non-exempt CRCL records reflecting complaints, investigation, reports, or other CRCL activities relating to monitoring or enforcement of DHS's implementation of DHS Management Directive 065-01 (Sept. 25, 2013), DHS Management Directive 065-01-001, and any subsequent DHS directives pertaining to the agency's non-discrimination obligations under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act as it relates to determinations regarding placement, care, and referral to outside medical providers of immigrant detainees in solitary confinement in immigration detention facilities.

A search of the Office of Civil Rights and Civil Liberties (CRCL) for documents responsive to your request produced a total of 10 pages. Of those pages, I have determined that portions of these pages are partially releasable pursuant to Title 5 U.S.C. § 552: (b)(6) and (b)(7)(C), FOIA Exemptions 6 and b7(C).

Enclosed are 10 pages with certain information withheld as described below:

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

Exemption 7(C) protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 90 days of the date of this letter, to: Privacy Office, Attn: FOIA Appeals, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0655, Washington, D.C. 20528-0655, following the procedures outlined in the DHS FOIA regulations at 6 C.F.R. Part 5 § 5.8. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS FOIA regulations are available at www.dhs.gov/foia.

Provisions of FOIA allow DHS to charge for processing fees, up to \$25, unless you seek a waiver of fees. In this instance, because the cost is below the \$25 minimum, there is no charge.

If you need any further assistance or would like to discuss any aspect of your request, please contact the analyst below who processed your request and refer to **2019-HQFO-00352**. You may send an e-mail to foia@hq.dhs.gov, call 202-343-1743 or toll free 1-866-431-0486, or you may contact our FOIA Public Liaison in the same manner. Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

Maura Busch

Maura Busch
FOIA Program Specialist

Enclosure(s): Responsive Documents, 10 pages